

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

FEB 01 2013

Mr. John Heggeness
Supervisor, Water Quality Standards and Monitoring
Bureau of Water Quality Planning
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

Dear Mr. Heggeness:

Thank you for submitting Nevada's 2008-10 Water Quality Integrated Report and supporting documentation pursuant to Clean Water Act (CWA) Sections 303(d) and 305(b). We received the submittal on December 11, 2012. I am pleased that EPA can approve Nevada's determination to identify each of the waters and pollutants that the State included in its list of waters requiring a total maximum daily load (TMDL) under CWA Section 303(d); however, the U.S. Environmental Protection Agency (EPA) finds that the State omitted from that list several waters and associated pollutants which meet federal listing requirements. EPA is therefore acting today to partially approve and partially disapprove the State's submittal.

EPA carefully reviewed the final submittal including the State's listing decisions, assessment methodology, and supporting data and information. EPA finds that Nevada's 2008-2010 list of water quality limited segments requiring TMDLs partially meets the requirements of Section 303(d) of the Clean Water Act and EPA's implementing regulations. Accordingly, pursuant to 40 CFR 130.7(d), EPA hereby approves each of the State's listings of water quality limited segments requiring a TMDL identified in the 2008-2010 Integrated Report, Attachment 4, Category 5 Waters.

During our review, we also identified several waters and associated pollutants that meet federal listing requirements but were not included in Nevada's 2008-2010 Integrated Report, Attachment 4, Category 5 Waters list. Accordingly, EPA is today identifying the waters and associated pollutants listed in Table 1 of the enclosure as waters requiring a TMDL pursuant to 40 CFR 130.7(d)(2). The statutory and regulatory requirements, a summary of our review of Nevada's compliance with applicable requirements, and our rationale for adding the waters and pollutants identified in Table 1 are also described in the enclosure.

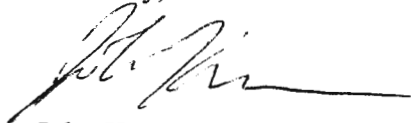
We appreciate your inclusion of prioritization of water quality limited segments requiring TMDL development, as identified in Attachment 4 of the 2008-2010 Integrated Report. We understand these schedules to serve the purpose of priority rankings required by 40 CFR 130.7(b). We are not taking action on these schedules as federal regulations do not require EPA to act upon TMDL schedules or priority rankings; however, we expect the prioritization will guide the State's future TMDL development efforts.

The public participation process provided by Nevada Division of Environmental Protection included several opportunities for the public to participate or submit written comments. The State's public participation activities were consistent with federal requirements.

EPA will solicit public comments on the additions to the State's 303(d) list identified in Table 1 of the enclosure. We will provide a responsiveness summary for comments received on these additions and will advise if any revision to EPA's determination is found to be appropriate.

If you have questions concerning this decision, please call me at (213) 244-1832, or Susan Keydel at (415) 972-3106.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Kemmerer', written over a horizontal line.

John Kemmerer
Acting Director, Water Division

Enclosure

cc: Colleen Cripps, Ph.D., Administrator, NDEP
Dave Gaskin, P.E., Deputy Administrator, NDEP
Kathy Sertic, Chief, Bureau of Water Quality Planning, NDEP